

# General terms of use for Inspecting and the entry of beneficial owners in the Transparency Register as well as the reporting of discrepancies to the Transparency register

As of: 28 January 2020

The following general terms of use relate to notifications for entering (Sections 20 and 21 GwG [Anti-Money Laundering Act]) beneficial owners (Section 3 GwG) (hereinafter referred to as entry) in the Transparency Register, to the inspection (Section 23(1) GwG [Anti-Money Laundering Act]) of the Transparency Register held by Bundesanzeiger Verlag GmbH as the competent body (hereinafter referred to as the 'registration authority') in accordance with the Transparenzregisterbeleihungsverordnung [Transparency Register Commissioning Ordinance] (Section 18ff. GwG) as well as the reporting of discrepancies to the registration authority (§ 23a GwG). The inspection is possible in accordance with the Transparenzregisterinsichtnahmeverordnung (TrEinV) [Ordinance on Inspection of the Transparency Register].

## 1. General information / Entry notification

For certain organisations and legal structures, in particular legal persons under private law, registered partnerships, as well as for trustees, foundations and legally incorporated associations (hereinafter referred to as 'entities subject to notification requirements'), there is an obligation pursuant to Sections 20 and 21 GwG to give immediate notification of data regarding beneficiary owners (Section 19 GwG) for entry in the Transparency Register. Notifications pursuant to Sections 20 and 21 GwG are to be submitted to the registration authority with effect from 1 October 2017.

Entry in the Transparency Register must be requested from the registration authority in electronic form via [www.transparenzregister.de](http://www.transparenzregister.de).

Data regarding beneficial owners will be entered in the Transparency Register for inspection insofar as they are complete and there are no ambiguities or doubts regarding the entry pursuant to Section 18(3) GwG.

For the purposes of comparing data and ensuring rational workflows, entries will be held in the Transparency Register and made available for inspection only in the standard data format that is usually used by the registration authority.

Further technical details on registering in the Transparency Register and submitting data pertaining to beneficial owners are determined by the regulation governing the submission of data by entities subject to notification requirements and by the operator of the Company Register to the Transparency Register (TrDüV).

Modifications concerning the meta-information on the legal entity (Sections 20 (1a), 21 (1b) GwG) must be notified electronically to the register authority via [www.transparenzregister.de](http://www.transparenzregister.de). The electronic forms that are available on the website must be used for this purpose.

## 2. General information / Inspecting the Transparency Register

Information about beneficial owners (Section 19 GwG) of associations and other legal forms (Sections 20 and 21 GwG) shall be made available in accordance with Section 23 GwG through the Transparency Register.

The Transparency Register may be inspected only electronically on the website of the Transparency Register [www.transparenzregister.de](http://www.transparenzregister.de). This requires prior registration on the website (see 5.).

The inspection will be undertaken electronically via the user account of the respective viewer.

## 3. Inspecting the Transparency Register

The inspection of the Transparency Register can only be undertaken on [www.transparenzregister.de](http://www.transparenzregister.de).

As part of the inspection, the Transparency Register shall provide access to entries in the Transparency Register (Section 22(1) sentence 1 no. 1 GwG) and to the original data from linked registers (Section 22(1) sentence 1 numbers 2 to 8 GwG).

#### **4. Reporting of discrepancies to the Transparency Register**

The only way to report discrepancies to the Transparency Register is via [www.transparenzregister.de](http://www.transparenzregister.de).

The registration authority enables obligated parties under Section 23 (1) sentence 1 no. 2 GwG and authorities under Section 23 (1) sentence 1 nos. 1a and 1b GwG to report discrepancies within the meaning of Section 23 a (1) sentence 4 GwG to the Transparency Register.

#### **5. Registration / Entry notification**

Before initial data entry, a registration process involving the registration authority must be successfully completed.

Registration will only be undertaken if a permanently valid email address is provided which enables reliable communication with the registering entity. Upon registration, the email address provided will be used for the purposes of access to the website of the Transparency Register (Section 1(2) sentence 1 TrDüV).

The use of a provisional email address (disposable, fake or trash email), which is only intended for temporary use, is not permitted for registration in the Transparency Register. Registration applications made with a provisional email address may be rejected or can be blocked after registration. In the event of rejection or blocking, a completely new registration process with a permanent valid email address must be made in order for entry in the Transparency Register to be permitted.

Details of the registration process can be found at [www.transparenzregister.de](http://www.transparenzregister.de).

#### **6. Registration in the Transparency Register and registration data / Inspecting the Transparency Register / Reporting of discrepancies**

Registration for inspecting the Transparency Register as well as the reporting of discrepancies is only possible on the website of the Transparency Register: [www.transparenzregister.de](http://www.transparenzregister.de).

For this purpose, the viewer, or a person on behalf of the inspecting viewer or the person making the discrepancy report shall provide an electronic identification in the form of a permanent e-mail address and establish a password. The use of a provisional e-mail address (disposable, fake or trash e-mail), which is only intended for temporary use, is not permitted for registration with the Transparency Register. Registration applications made with a provisional e-mail address may be rejected or can be blocked after registration. In the event of rejection or blocking, a completely new registration process with a permanent valid e-mail address must be made in order for entry in the Transparency Register to be permitted.

In order to search for legal entities in the Transparency Register and to submit an application for inspection as well as to submit discrepancy reports, the viewer or a person, on behalf of the viewer or the person making the discrepancy report, is required to have at least the following registration data:

- in the event that the viewer or the person making the discrepancy report is a natural person:
  - a) the first and last name,
  - b) the email address and phone number as well as
  - c) the address and, if different, the billing address as well as
- in the event the viewer or the person making the discrepancy report is not a natural person:
  - a) the company or the name of the non-natural person,
  - b) the address of the domicile of the non-natural person and, if different, the billing address,
  - c) the first and last name of the natural person responsible for the registration as well as
  - d) the e-mail address and telephone number of the natural person responsible for the registration.

The viewer or the person making the discrepancy report shall confirm his or her identity by providing appropriate evidence in accordance with the requirements of the registration authority in the registration process or in the application for inspection or when the discrepancy is reported. These documents of proof must be provided to the Transparency Register as electronic data formats for which PDF documents must be uploaded.

It must be possible to clearly read, copy and print the PDF documents. PDF documents cannot be submitted as electronic application in combination with other data formats.

The following requirements apply to PDF documents:

- Security options must be disabled
- Documents are not to be encrypted
- JavaScript is not permitted
- Forms are not permitted
- The document must be printable in DIN A4 portrait or landscape format and be in the following dimensions:
  - Maximum height: 297 mm
  - Minimum height: 279.4 mm
  - Maximum width: 216 mm
  - Minimum width: 210 mm
- Documents are to be limited to a maximum size of 25 MB.  
Up to 300 documents can be submitted totalling no more than 100 MB.

Valid proofs of identity include

- for natural persons
  - a) a copy of a valid official ID containing a photograph of the bearer and whereby, in particular, the passport and identity card requirements of Germany are met
    - aa) a copy of a domestic passport, identity card or passport or ID card or alternate identification or
    - bb) a copy of a passport, identity card or passport or statement of identity recognized or permitted under aliens law,
  - b) a copy of the documents pursuant to Section 1(1) of the Zahlungskonto-Identitätsprüfungsverordnung [Payment Account Identity Verification Ordinance] as well as
- for non-natural persons
  - a) a copy of one of the documents referred to in Section 12(2) no. 1 and 2 GwG and
  - b) the valid identification for legal entities.

## **7. Obligation to notify changes in registration data / Inspecting the Transparency Register**

Changes to the registration data (Section 2(4) TrEinV, see 5.) also oblige the viewer to make immediate changes to the corresponding information in the Transparency Register.

## **8. Entries and other documentation**

### **a) Entry of beneficial owners/electronic entry form**

The entities subject to notification requirements or a third party charged with notification (hereinafter referred to as 'third party') may use only the electronic input forms for entering data provided by the registration authority at [www.transparenzregister.de](http://www.transparenzregister.de). This is the only way that an entry can be duly requested. Based on the data provided in electronic forms and without reference to any other documentation submitted (see 7b)), the entries must be complete and intelligible, and the data regarding the beneficial owners (Section 19 GwG), including the period during which the beneficial ownerships existed or exist, must be readily recognisable.

The inclusion or submission of images is not permitted.

### **b) Other documentation/Use of PDF documents**

In addition to the entries (see 7a)), additional documents explaining the "type and extent of the economic interest" (referred to as 'other documentation') may, if necessary, be added during the uploading of documents to the registration authority using the existing input forms as electronic data in the form of PDF documents, but only where this is expressly permitted. These documents will not be deemed to replace the entries and will not exclude the right of inquiry under Section 18(3) GwG. Unlike the entries, the other documentation will not be made available for inspection in the Transparency Register (Section

23 GwG).

It must be possible to clearly read, copy and print the PDF documents. PDF documents cannot be submitted as electronic instructions in combination with other data formats.

The following requirements apply to PDF documents:

- Security options must be disabled
- Documents are not to be encrypted
- JavaScript is not permitted
- Forms are not permitted
- The document must be printable in DIN A4 portrait or landscape format and be in the following dimensions:
  - Maximum height: 297 mm
  - Minimum height: 279.4 mm
  - Maximum width: 216 mm
  - Minimum width: 210 mm
- Documents are to be limited to a maximum size of 25 MB.  
Up to 300 documents can be submitted totalling no more than 100 MB.

### **c) Unlawful entry instructions, etc. /right of inquiry according to. Section 18(3) GwG**

**aa)** With the entry request, the registering association or legal entity, as registering entity or the person acting on behalf of the same (hereinafter referred to as 'registering entity'), shall ensure that entry authorisation is in place.

**bb)** Entry instructions with content that violates laws, official regulations or good morals will not be executed. There is no obligation for the registration authority to return or retain such instructions and the corresponding data and documents submitted that are obviously not intended for entry in the register or do not constitute other documentation, or that do not meet to the submission format requirements.

**cc)** Data regarding the beneficial owners cannot be entered in the Transparency Register for inspection if it is incomplete or if there are ambiguities or doubts regarding the notification/entry pursuant to Section 18(3) GwG and insofar as these are not conclusively clarified by the entities subject to notification requirements or the corresponding third parties within the deadline set by the registration authority.

**dd)** Insofar as none of the above arises and there are no legal obstacles, entry instructions will be executed immediately on submission.

The submitted entry data and other documentation shall be deemed by the registration authority to be original manuscripts and will not be additionally proofread; their content shall be entered as submitted.

In principle, an electronic or written confirmation of receipt of an entry instruction will be made available to the entity subject to notification requirements or to the third party when instructions are received.

### **9. Instruction amendments or cancellations before entry in the Transparency Register**

Instruction amendments or cancellations may be made before entry in the Transparency Register (see point 7 c) dd)).

Instruction amendments or cancellations must be undertaken in electronic form by the registering entity via the transparency register (see part 7a), 7b)). This must be carried out using the amendments and cancellation process described by the registration authority on the Transparency Register website ([www.transparenzregister.de](http://www.transparenzregister.de)).

## 10. Corrections after entry in the Transparency Register

Once data has been entered in the Transparency Register, it is only possible to correct the entry. In this case, the original entry will remain in the Transparency Register and the amended entry will be entered in the Transparency Register with reference to the original entry. Accordingly, deletions or partial deletions are not possible even in the event that content is submitted and entered beyond statutory requirements.

## 11. Registration fees/amendment, cancellation or correction fees

Entries are not subject to a fee.

Instruction amendments, cancellations and corrections are not subject to fees.

Insofar as fees in association with the transparency register arise in the form of a basic fees or inspection fees, such fees will be charged on the basis of the stipulations of Section 24 GwG.

## 12. Applications pursuant to Section 23(2) GwG claiming "outweighing interests meriting protection"

Applications for a restriction of inspection pursuant Section 23(2) GwG must comply with the Transparenzregistereinsichtnahmeverordnung (TrEinV). They must be in writing and must be justified. All documents requested by the TrEinV must be submitted.

The applications can be submitted postally to:

Bundesanzeiger Verlag GmbH  
Transparenzregister  
Postfach 10 05 34  
50445 Köln

or electronically to:

antrag-beschaenkung@transparenzregister.de.

## 13. Request for inspection

A request for inspection access to the Transparency Register can only be made on the website of the Transparency Register [www.transparenzregister.de](http://www.transparenzregister.de).

The application must specify for which association pursuant to Section 20(1) of the GwG or for which legal form pursuant to Section 21(1) and (2) GwG and for what duration or date the viewer seeks access to the Transparency Register.

### a. Application

Only the electronic application forms of the Transparency Register are available to the viewer or the person requesting on behalf of the viewer at [www.transparenzregister.de](http://www.transparenzregister.de). Access to the Transparency Register can be duly requested only via that channel.

### b. Other documentation/Use of PDF documents

Unless already provided during the registration process, in addition to the application form(s), the documents listed under section 5 offering proof of identity to the Transparency Register must be uploaded in electronic data formats as PDF documents.

It must be possible to clearly read, copy and print the PDF documents. PDF documents cannot be sub-mitted as electronic instructions in combination with other data formats.

The following requirements apply to PDF documents:

- Security options must be disabled
- Documents are not to be encrypted

- JavaScript is not permitted
- Forms are not permitted
- The document must be printable in DIN A4 portrait or landscape format and be in the following dimensions:

Maximum height: 297 mm

Minimum height: 279.4 mm

Maximum width: 216 mm

Minimum width: 210 mm

- Documents are to be limited to a maximum size of 25 MB.  
Up to 300 documents can be submitted totalling no more than 100 MB.

#### **14. Inspection by government agencies**

If a government agency submits an application for access to the Transparency Register pursuant to Section 23(1) sentence 1 no. 1 GwG, it must confirm that the inspection is necessary in fulfilment of its statutory duties.

#### **15. Inspection by obligated parties**

Should an obligated party submit an application to access the Transparency Register pursuant to Section 23(1) sentence 1 no. 2 of the GwG, it must state that:

- a) that it is obligated under Section 2 GwG and
- b) that the inspection is being undertaken to fulfil their duty of care in one of the cases listed under Section 10(3) of GwG.

If an obligated party repeatedly submits an application for access to the Transparency Register, it is sufficient to present the authorization to inspect pursuant to para 1 no. 1 at the time of the first inspection.

The registration authority may, in case of doubt about the credentials of the viewer, request further information for demonstration of authorization. A sworn affidavit at the request of the Registration Authority may also serve as proof.

#### **16. Inspection by members of the public**

Members of the public may submit an application for inspection access to the Transparency Register according to Section 23(1) sentence 1 no. 3 of the GwG.

#### **17. Access to documents**

If a request for inspection access to the Transparency Register has been granted, the applicant can acquire the documents for the underlying date or period through the website of the Transparency Register with subject to a fee. After completing the acquisition process the documents will be downloadable for five days.

#### **18. Reporting and checking of discrepancies**

Discrepancies can only be reported to the Transparency Register via the Transparency Register's website [www.transparenzregister.de](http://www.transparenzregister.de).

Obligated parties under Section 23 (1) sentence 1 no. 2 GwG must immediately report to the registration authority any discrepancies within the meaning of Section 23a (1) sentence 4 GwG that they discover between the information on the beneficial owners accessible in the transparency register and the information and findings available to them on the beneficial owners.

Authorities pursuant to Section 23 (1) sentence 1 nos. 1a and 1b GwG must report discrepancies within the meaning of Section 23a (1) sentence 4 GwG to the registration authority without delay, provided that this does not impair the performance of the authorities' duties.

In order to verify the report of discrepancy, the registration authority may request the information and documents necessary for clarification from the person making the report of discrepancy or the association concerned pursuant to Section 20 GwG or the legal arrangement pursuant to Section 21 GwG.

The registration authority shall submit the report of discrepancy together with all necessary documents to the authority pursuant to Article 56 (5) sentence 2 GwG within the scope of its responsibility for the prosecution of administrative offences pursuant to Article 56 (1) sentence 1 nos. 54 to 66 GwG

- if it concludes that the information on the beneficial owner contained in the Transparency Register is not correct or
- it was not able to complete the examination of the discrepancy report due to unclear facts.

Upon completion of the examination of the discrepancy report, the registry administrator shall immediately inform the person who submitted the discrepancy report of the result of the examination.

#### **a. Reporting the discrepancy**

The person submitting the discrepancy report can only use the electronic reporting forms for the Transparency Register at [www.transparenzregister.de](http://www.transparenzregister.de). This is the only way to report discrepancies to the Transparency Register properly.

#### **b. Other documents / PDF-Upload**

The documents referred to in item 5 to prove identity must be submitted to the Transparency Register in addition to the notification form(s) in an electronic data format in the form of PDF documents using the upload procedure unless this has already been done as part of the registration.

It must be possible to clearly read, copy and print the PDF documents. PDF documents cannot be sub-mitted as electronic instructions in combination with other data formats.

The following requirements apply to PDF documents:

- Security options must be disabled
- Documents are not to be encrypted
- JavaScript is not permitted
- Forms are not permitted
- The document must be printable in DIN A4 portrait or landscape format and be in the following dimensions:
  - Maximum height: 297 mm
  - Minimum height: 279.4 mm
  - Maximum width: 216 mm
  - Minimum width: 210 mm
- Documents are to be limited to a maximum size of 25 MB.  
Up to 300 documents can be submitted totalling no more than 100 MB.

## **19. Liability**

The registration authority assumes no responsibility for incorrect entries or information. The associations are responsible for the notification of the beneficial owners under Section 20 GwG and in legal arrangements pursuant to Section 21 GwG, the responsibility lies with the administrator of the trust (trustee) or the fiduciary. The registration authority shall not be liable in the case of entries that are not made within the time limit and/or in the required form. The Registration Authority shall incur no liability if information about the beneficial owner is not provided contrary to duty or is communicated incorrectly to the Transparency Register for the purpose of registration.

The registration authority also accepts no liability if data regarding beneficial owners is not entered in the

Transparency Register for inspection because it is incomplete or there are ambiguities or doubts regarding the notification pursuant to Section 18(3) GwG and these are not conclusively clarified by the entities subject to notification requirements or the corresponding third parties within the deadline set by the registration authority.

The liability of the registration authority is limited to the consequences of deliberate intent and gross negligence unless personal injury or death is involved or obligations are breached that must be met in order to fulfil the inspection and the implementation of the entry in due form in the register and on which the other party or the viewer / the person making the discrepancy report may under normal circumstances rely or in which it may trust in (cardinal duties). Liability is limited to compensation for typically foreseeable losses. The aforesaid limitation of liability applies accordingly to the legal representatives, employees and other agents of the registration authority.

## **20. Applicable language version**

Insofar as alternative terms of use or information appear on the transparency register websites in different language versions, the respective German version shall apply exclusively, in particular with regard to the interpretation of formulations used. Other language versions (translations) are provided by the registration authority purely for the purpose of convenience.

The official language for all proceedings relating to the transparency register shall be German. All orders, applications and communications for entry in the register must be provided in German. All forms on the transparency register website must be completed in German.

## **21. German law**

German law shall apply exclusively.